IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No.1007 (S/S) of 2007

M.A. Raza S/o Late Mohammad Ali Raza,
Senior Marketing Inspector
R/o Shivalik Apartment, Block-A, T-10 Canal Road, Kishan Pur,
Dehradun ------ Petitioner

Versus

1. State of Uttarakhand through Secretary Department of Food and Civil Supplies, Secretariat, Dehradun
2. Commissioner, Food and Civil Supplies, Uttarakhand, Dehradun
3. Regional food Control, Kumaun Division
4. Regional Food Control, Garhwal Division

------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anurag Bisaria, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari quashing the order dated 26.07.2007 issued by the respondent no. 2 whereby the petitioner has been transferred from Garhwal Region to Kumaun Region on the administrative ground.
2. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 not to relieve the petitioner from Garhwal Region to Kumaun Region.

3. To mould and issue any other writ, order or direction, which this Hon'ble Court deems just and proper in the circumstances of the case.
4. To award the cost of the petition to the petitioner.

By order dated 26.07.2007 issued by respondent no. 2, i.e., Commissioner, Food and Civil Supply, Uttarakhand, Dehradun, the petitioner, who was working as a Senior Marketing Inspector, has been transferred from Garhwal Region to Kumaun Region.

The stand of the petitioner is that the transfer has been made on the recommendation of the Minister concerned of the department, as there was some motivated complaint before the Minister against the petitioner. The petitioner has stated that he was not provided copy of the complaint and nowhere it is stated that who has made the complaint against him or what are the contents of the complaint.

The transfer has been made by the competent authority on administrative ground. Even on assuming that the transfer has been made by the competent authority on the complaint made by the Minister, in my opinion, the Minister of concerned department has right to ask his subordinates whenever he receives any complaint against any person to transfer the person concerned.

Learned counsel for the petitioner has submitted that the transfer is in the nature of punishment. I have gone through the transfer order. It is a settled law that the transfer order on administrative ground is not a punishment.

Learned counsel for the petitioner has submitted that for redressal of his grievances, the petitioner has already moved a representation on 30.07.2007 before respondent no. 1, Secretary, Department of Food and Civil Supplies, Secretariat, Dehradun, which is still pending.

In the circumstances, I direct respondent no. 1 to take decision on the representation of the petitioner within a period of three weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

03.08.2007
VKS